

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JAN 15 AM 11:51
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SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Isidro DIAZ-Santacruz,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326

Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about **January 14, 2008** within the Southern District of California, defendant, **Isidro DIAZ-Santacruz**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **15th** DAY OF **January 2008**


 Nita L. Stormes

UNITED STATES MAGISTRATE JUDGE

Isidro DIAZ-Santacruz**PROBABLE CAUSE STATEMENT**

On January 14, 2008 at approximately 1:00 A.M. Border Patrol Agent C. Womersley, was working assigned linewatch duties in The Imperial Beach area of operations. Remote Video Surveillance System (RVSS) operators advised that there were four individuals jumping over the primary fence in an area known as Echo-3. RVSS then advised that this group was climbing over the secondary fence. This area is located approximately 200 yards north of the U.S./Mexico International Border, and one mile east of the San Ysidro, California Port of Entry. Upon reaching the area, Agent Womersley apprehended one of the individuals, later identified as the defendant **Isidro DIAZ-SANTACRUZ**. The other three individuals were apprehended by Border Patrol Agent J. Spielman. Agent Womersley approached the individuals and identified himself as a Border Patrol Agent and conducted an immigration inspection. All of the individuals including the defendant admitted to being citizens and nationals of Mexico not in possession of any immigration documents which would allow them to enter or remain in the United States legally. All three, including the defendant were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about **January 10, 2008**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted to being a citizen and national of Mexico, and that he is present without immigration documents that would allow him to enter or remain in the United States legally.